

By: Villalba

H.B. No. 367

Substitute the following for H.B. No. 367:

By: Smith

C.S.H.B. No. 367

A BILL TO BE ENTITLED

1 AN ACT
2 relating to consumption of alcoholic beverages in certain
3 entertainment facilities.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 108.82, Alcoholic Beverage Code, is
6 amended to read as follows:

7 Sec. 108.82. ALCOHOLIC BEVERAGE CONSUMPTION IN CERTAIN
8 PUBLIC ENTERTAINMENT FACILITIES. (a) This section applies only
9 with respect to a public entertainment facility:

10 (1) that is a stadium:

11 (A) located in a county with a population of more
12 than 1.6 million;

13 (B) constructed not later than 1994; ~~and~~

14 (C) with a seating capacity of at least 45,000;
15 and

16 (D) [~~(2)~~ for which all alcoholic beverage
17 permits and licenses are held by a single independent
18 concessionaire; or

19 (2) that is an arena:

20 (A) located in a county with a population of 2.2
21 million or more and that is adjacent to a county with a population
22 of more than 600,000;

23 (B) that opened in 2001;

24 (C) with a seating capacity of not more than

1 22,000 on August 1, 2014; and

2 (D) for which alcoholic beverage permits and
3 licenses were held on the opening day of business.

4 (b) Notwithstanding Section 28.10, an [~~the~~] independent
5 concessionaire for a public entertainment facility described by
6 Subsection (a) may allow a patron who possesses an alcoholic
7 beverage to enter or leave a licensed or permitted premises within
8 the facility if the alcoholic beverage:

9 (1) is in an open container, as defined by Section
10 49.031, Penal Code;

11 (2) appears to be possessed for present consumption;

12 (3) remains within the confines of the facility,
13 excluding a parking lot; and

14 (4) was purchased legally at a licensed or permitted
15 premises within the facility.

16 SECTION 2. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2015.